

#29

Our Docket No.: 98-197/1C / 1496.00065

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant: Jackson L. Ellis et al.

Application No.: 09/183,694

Examiner: Park, J.

Filed: October 30, 1998

Art Group: 2182

For: COMMAND QUEUEING ENGINE

In response to: Notification mailed January 14, 2002

CERTIFICATE OF FACSIMILE

The undersigned hereby certifies that the foregoing documents were sent via facsimile to the following: Assistant Commissioner for Patents, Washington, D.C. 20231, Examiner I. Park at (703) 746-7238 on February 4, 2003.

By: *Mary Donna Berkley*
Mary Donna Berkley

RESPONSE TO NOTIFICATION OF NON-COMPLIANCEWITH THE REQUIREMENTS OF 37 CFR 1.192(c)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Appellants respectfully traverse the assertion by the Examiner that the Appeal Brief filed on October 23, 2002 is not compliant with the requirements of 37 CFR 1.192(c). In particular, Table I on page 18 of the Appeal Brief clearly shows that Group 3 is based upon argument items 6 and 7

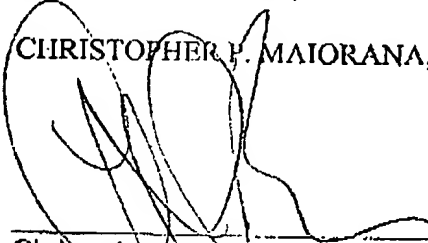
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Application No.: 09/183,694

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whereas Group 4 is based upon argument items 6, 7 and 8. As stated on page 19, lines 3-6 of the Appeal Brief, the rejection of Group 3 may be upheld if the arguments for items 6 and 7 are found unpersuasive and at the same time Group 4 may be found allowable if the argument for item 8 is found persuasive. Furthermore, the five groupings in the Appeal Brief basically follow the four different grounds of rejection created by the Examiner, wherein claim 3 (Group 3) stands rejected upon a different ground than claims 16-20 (Group 4). Therefore, the Appeal Brief does provided reasoning why Groups 3 and 4 do not fall together per 37 CFR 1.192(c). As such, Appellants respectfully request that the assertion of non-compliance with 37 CFR 1.192(c) be withdrawn and that the Appeal Brief be accepted as originally filed.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.



Christopher P. Maiorana
Registration No. 42,829

Dated: February 4, 2003

c/o Pete P. Scott
Intellectual Property Law Department
LSI Logic Corporation
M/S D-106
1551 McCarthy Boulevard
Milpitas, CA 95035

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LAW OFFICES
CHRISTOPHER P. MAIORANA, P.C.
24025 GREATER MACK, SUITE 200
ST. CLAIR SHORES, MICHIGAN 48080



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& COPYRIGHTS

CHRISTOPHER P. MAIORANA
ROBERT M. MILLER
JOHN J. IGNATOWSKI

(586) 498-0670
Fax (586) 498-0673
maioranapc.com

FACSIMILE MESSAGE

TO: Examiner I. Park
COMPANY: U.S. Patent and Trademark Office
RE: Serial No.: 09/183,694 - Filed: October 30, 1998
FILE NO.: 98-179/1C / 1496.00065
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FROM: Christopher P. Maiorana, Esq.
DATE: February 4, 2003 TIME: _____

TOTAL NUMBER OF PAGES 3 (including cover sheet)

If you do not receive any of these pages, please telephone us at (586) 498-0670 or telefax us at (586) 498-0673.

COMMENTS:

Enclosed is:

*Response To Notification Of Non-Compliance With
The Requirements Of 37 CFR 1.192(c) (2 pages).*

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